

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH CASE NO. 2012080089
v.	
OAKLAND UNIFIED SCHOOL DISTRICT,	
OAKLAND UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012100750
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING DISTRICT'S MOTION TO CONSOLIDATE

On August 2, 2012, Student filed a request for due process hearing (complaint) in OAH case number 2012080089 (First Case), naming Oakland Unified School District (District).

On October 18, 2012, District filed a request for due process hearing and motion to consolidate in OAH case number 2012100750 (Second Case), naming Student.

Student did not file a response to the motion to consolidate.

APPLICABLE LAW

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

DISCUSSION

Here, the First Case and Second Case involve a common question of law or fact. Student's complaint alleges that District failed to adequately assess Student for, or offer

Student a free and appropriate education (FAPE) at, individualized education program (IEP) team meetings on September 27, 2011 and January 13, 2012, and seeks, among other remedies, that District be ordered to fund independent educational evaluations (IEEs). District's complaint alleges that its assessments for the triennial IEP team meeting in January 2012 were appropriate, and seeks an order finding that it is not obligated to fund IEEs for Student. Student has not opposed the motion to consolidate. Consolidation furthers the interests of judicial economy because the cases involve the same witnesses, evidence and questions of law, and will avoid the repetitive presentation of common evidence. The parties have also jointly agreed upon and requested continued dates for the prehearing conference and hearing in the First Case after the Second Case was filed. Accordingly, consolidation is granted.

### ORDER

1. District's motion to consolidate is granted.
2. All dates previously set in OAH case number 2012100750 (Second Case) are vacated.
3. The consolidated cases shall proceed on the dates currently scheduled in OAH case number 2012080089 (First Case); the prehearing conference will proceed on October 29, 2012 at 10:00 a.m., and the hearing will proceed on November 6 through 8, 2012, beginning at 9:30 a.m. on the first day.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2012080089 (First Case).

Dated: October 24, 2012

/s/

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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings